THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

Writ Petition No.1891 of 2006

02.02.2006

BETWEEN

B.Chiranjeevi, s/o Rama Swamy

.....PETITIONER

AND

Andhra Pradesh State Road Transport Corporation, rep. by its Chairman and Managing Director, RTC X Roads, Hyderabad and another.

.....RESPONDENTS

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

Writ Petition No.1891 of 2006

ORDER:

The petitioner is employed as a conductor on daily wage basis and he is attached to Tuni Depot of Andhra Pradesh State Road Transport Corporation. On 11.12.2005, a check was conducted on the bus bearing No.AP10Z-8084 on the route from Tuni to Janardhanapatnam. The only irregularity pointed out against the petitioner is that he collected a sum of Rs.40/- from a passenger, who boarded the bus at Tuni and bound for Janardhanapatnam and issued travelling ticket for Rs.11/- to the passenger, and luggage ticket worth Rs.14/-, but did not return the balance amount of Rs.15/-. On that ground, disciplinary proceedings were initiated and the petitioner was placed on 'put off duty' through proceedings, dated 19.12.2005. The petitioner challenges the same.

Heard the learned counsel for the petitioner and the learned Standing Counsel for APSRTC.

The only allegation against the petitioner is that he did not return a sum of Rs.15/- to the passenger, whom he issued the travelling ticket of Rs.11/- and luggage ticket worth Rs.14/-. It is not even alleged that the petitioner had issued tickets of any lesser denomination, than what was required. The passenger is said to have paid an amount of Rs.40/-, in two notes of Rs.20/- each. The petitioner was due to return a sum of Rs.15/-. Obviously, because he did not have the change, he did not return the amount, while issuing tickets. The passenger did not allege that the amount was retained

by the conductor against any tickets, which were to have been issued to him.

It is not uncommon that whenever there is shortage of change at the time of issuing tickets or if there is paucity of time, the change or difference in amount is paid by the conductors at a later point of time. It was not indicated in the impugned order that the petitioner had misappropriated any amount or that he has failed to issue tickets after collecting amount. Under these circumstances, it cannot be said that putting the petitioner off duty, which is equivalent to suspension pending enquiry, is warranted.

Placing the employees under suspension on such slippery and trivial grounds would, in the ultimate analysis, cause loss to the Corporation. The reason is that if at the conclusion of the proceedings, the charges are dropped, after few months or years or where in the event of any orders passed against the employees are set aside in the industrial disputes raised by them, the Corporation would be under obligation to pay back wages, without having the benefit of services of such employees. It is a different matter if the charges are grave in nature. In such cases, suspension must follow. Further, it cannot be said that the petitioner would tamper with evidence. This Court is of the opinion that in the instant case, the impugned order is not at all warranted.

Hence, the writ petition is allowed and respondent is directed to reinstate the petitioner into service. It shall, however, be open to the respondent-Corporation to proceed with the disciplinary enquiry initiated against the petitioner uninfluenced by any of the observations made herein and take necessary action, depending upon the outcome of the enquiry. No costs.

02.02.2006

VGB